

DEC 22 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.: 09/546,494  
Applicant: Ahlfors, et al.  
Filing Date: April 10, 2000  
For: METHOD AND APPARATUS  
FOR DISTRIBUTION OF  
BANDWIDTH IN A SWITCH  
Art Unit: 2663  
Examiner: Ng, Christine Y.  
Docket No.: 3964-11

**CERTIFICATE OF MAILING/TRANSMISSION  
(37 C.F.R. § 1.8A)**

I hereby certify that this correspondence is, on the date shown below, being:

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By:

Linda Clinkenbeard

Date

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Notice of Non-Compliant Amendment mailed November 22, 2004 regarding the above-identified application states that "paragraphs of the amended specification must be included" for amendments made to the specification in the "amendment filed on 4/10/00". Applicants respectfully disagree. A copy of the Notice is attached. A copy of the most recently filed amendment, mailed on July 7, 2004 is also attached, for reference only. Applicants respectfully submit that this amendment does not include any amendments to the specification and is in compliance with 37 C.F.R. 1.121. (Please note that a Preliminary Amendment that had been filed on April 10, 2000, as part of the initial filing for the above-identified application, is in compliance with 37 C.F.R. §1.121 in force at that time.) Applicants therefore, respectfully request withdrawal of the objection in the Notice of Non-Compliant amendment.

Except for the issue fee, which will be separately authorized, the Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. 1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 13-0201.

December 22, 2004  
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Respectfully submitted,

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,494	04/10/2000	Ulf Ahlborn	6563/54132 (3964-11)	3411

7590

1/22/2004

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RECEIVED

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COUDERT BROTHERS

EXAMINER

NOL CHRISTINE Y

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 11/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 4/10/00 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

## THE FOLLOWING CHECKED (X) ELEMENT(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other Paragraphs of the amended spec must be included.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☐ 4. Amendments to the claims
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.115(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

July 22, 2003 (rev.)